

MESSAGE NO: 7032202 MESSAGE DATE: 02/01/2007

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-570-846

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 01/17/2007 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: LIQUIDATION INSTRUCTIONS FOR THE ANTIDUMPING SCOPE RULING ON BRAKE ROTORS FROM CHINA (FEDERAL-MOGUL'S MOTORCRAFT BRAKE ROTORS ARE OUTSIDE SCOPE) (A-570-846)

MESSAGE NO: 7032202

DATE: 02 01 2007

CATEGORY: ADA

TYPE: LIQ

REFERENCE:

REFERENCE DATE:

CASES: A - 570 - 846

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PERIOD COVERED: 01 17 2007 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQUIDATION INSTRUCTIONS FOR THE ANTIDUMPING SCOPE RULING ON BRAKE ROTORS FROM CHINA (FEDERAL-MOGUL'S MOTORCRAFT BRAKE ROTORS ARE OUTSIDE SCOPE) (A-570-846)

1. ON 1/17/2007, IN RESPONSE TO A REQUEST BY FEDERAL-MOGUL CORPORATION ("FEDERAL-MOGUL"), THE DEPARTMENT OF COMMERCE ("DEPARTMENT") ISSUED A FINAL SCOPE RULING THAT THE MOTORCRAFT BRAND BRAKE ROTORS PRODUCED BY FEDERAL-MOGUL FOR THE FORD MOTOR

COMPANY ARE NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING BRAKE ROTORS FROM THE PEOPLE'S REPUBLIC OF CHINA ("PRC") (A-570-846).

2. THE DEPARTMENT DETERMINED THAT THE MOTORCRAFT BRAND BRAKE ROTORS PRODUCED BY FEDERAL-MOGUL FOR THE FORD MOTOR COMPANY ARE CERTIFIED BY THE FORD MOTOR COMPANY, AN ORIGINAL EQUIPMENT MANUFACTURER OF AUTOMOBILES IN THE UNITED STATES. THEREFORE, FEDERAL-MOGUL'S MOTORCRAFT BRAND BRAKE ROTORS ARE NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING BRAKE ROTORS FROM THE PRC.

3. FOR ALL ENTRIES OF BRAKE ROTORS PRODUCED BY FEDERAL-MOGUL FOR THE FORD MOTOR COMPANY THAT MEET THE DESCRIPTION OF EXCLUDED MERCHANDISE, ENTERED OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION, ON OR AFTER 1/17/2007, THE DEPARTMENT IS REQUIRING FEDERAL-MOGUL TO PROVIDE A LETTER OF CERTIFICATION (ATTACHED) STATING THAT THE BRAKE ROTORS UNDER THE MOTORCRAFT LOGO IS CERTIFIED BY THE FORD MOTOR COMPANY, AN ORIGINAL EQUIPMENT MANUFACTURER ("OEM") OF VEHICLES IN THE UNITED STATES AND THAT THE MOTORCRAFT BRAND BRAKE ROTORS ARE:

(A) FOR EXCLUSIVE SALE TO THE FORD MOTOR COMPANY FOR USE IN CARS MANUFACTURED BY THE FORD MOTOR COMPANY, AND

(B) MEET ALL THE QUALITY REQUIREMENTS OF THE TS-16949 STANDARD, THE CURRENT STANDARD FOR QUALITY IN THE AUTOMOTIVE INDUSTRY.

ANY ENTRIES OF MOTORCRAFT BRAND BRAKE ROTORS WITH THE MOTORCRAFT LOGO PRODUCED BY FEDERAL-MOGUL FOR THE FORD MOTOR COMPANY ACCOMPANIED BY THIS CERTIFICATION FROM THE FORD MOTOR COMPANY SHALL NOT BE SUBJECT TO THE ANTIDUMPING DUTY ORDER ON BRAKE ROTORS FROM THE PRC. ANY ENTRIES OF MOTORCRAFT BRAND BRAKE ROTORS WITH THE MOTORCRAFT LOGO PRODUCED BY FEDERAL-MOGUL FOR THE FORD

MOTOR COMPANY THAT ARE NOT ACCOMPANIED BY THIS CERTIFICATION

SHALL BE CONSIDERED SUBJECT TO THE ANTIDUMPING DUTY ORDER ON BRAKE ROTORS FROM THE PRC.

4. EFFECTIVE 1/17/2007, FOR IMPORTS OF BRAKE ROTORS PRODUCED BY FEDERAL-MOGUL FOR THE FORD MOTOR COMPANY ACCOMPANIED WITH THE REQUIRED CERTIFICATE, AND THEREFORE EXCLUDED FROM THE ANTIDUMPING

DUTY ORDER, UNITED STATES CUSTOMS AND BORDER PROTECTION ("CBP") SHALL TERMINATE SUSPENSION AND LIQUIDATE ALL UNLIQUIDATED ENTRIES WITHOUT REGARD TO ANTIDUMPING DUTIES, OF THE MOTORCRAFT BRAND BRAKE ROTORS PRODUCED BY FEDERAL-MOGUL LISTED ABOVE. FOR ANY UNLIQUIDATED ENTRIES OF MOTORCRAFT BRAND BRAKE ROTORS REFERENCED

ABOVE MADE BEFORE 1/17/2007 THAT WERE NOT ACCOMPANIED BY THIS CERTIFICATION AT THE TIME OF ENTRY, CBP SHALL LIQUIDATE WITHOUT REGARD TO ANTIDUMPING DUTIES ONLY IF FEDERAL-MOGUL PROVIDES TO CBP A LETTER OF CERTIFICATION IN THE ATTACHED FORMAT STATING THAT THE BRAKE ROTORS ENTERED UNDER THE MOTORCRAFT LOGO IS CERTIFIED BY THE FORD MOTOR COMPANY.

5. EFFECTIVE 1/17/2007, REFUND ANY CASH DEPOSITS WITH INTEREST AND RELEASE ANY BONDS RELATING TO THE MOTORCRAFT BRAND BRAKE ROTORS PRODUCED BY FEDERAL-MOGUL FOR THE FORD MOTOR COMPANY AND

ACCOMPANIED BY THE REQUIRED CERTIFICATE.

6. THE ASSESSMENT OF ANTIDUMPING DUTIES BY CBP ON ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930, AS AMENDED. SECTION 778 REQUIRES THAT CBP PAY INTEREST ON OVERPAYMENTS, OR ASSESS INTEREST ON UNDER PAYMENTS, OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE PAYMENT OF ESTIMATED ANTIDUMPING DUTIES IS REQUIRED THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH

PERIOD.

7. CONTINUE TO SUSPEND LIQUIDATION OF ENTRIES OF BRAKE ROTORS SUBJECT TO THE ANTIDUMPING DUTY ORDER COVERING BRAKE ROTORS FROM THE PRC.

8. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT OFFICE OF AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577, RESPECTIVELY (GENERATED BY O8:BZ).

9. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

CATHY SAUCEDA

LETTER OF CERTIFICATION ON OEM BRAKE ROTORS FROM THE PRC

Ford Motor Company, an original equipment manufacturer of vehicles in the United States, certifies that Federal-Mogul Corporation's imports of brake rotors from the People's Republic of China, subject to entry # , entering the United States under the Motorcraft brand logo on (date) , are:

(1) For exclusive sales to the Ford Motor Company for use in cars manufactured by the Ford Motor Company, and

(2) Meet all the quality requirements of the TS-16949 standard, the current standard for quality in the automotive industry. As the accepted industry standards are revised, future certifications should reflect the new standards (e.g., replace TS-16949 with any appropriate newer standards).

Corporate Official, Title

Company

Company Address

Date

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party